



Draft text

Draft law concerning the operation of heat pumps

We Henri, Grand Duke of Luxembourg, Duke of Nassau,

Having regard to Directive (EU) 2024/1275 of the European Parliament and of the Council of 24 April 2024 on the energy performance of buildings (recast);

Having heard the Council of State;

Having regard to the adoption by the House of Representatives;

Having regard to the decision of the House of Representatives of ... and that of the Council of State of ... stating that there is no need for a second vote;

We have ordered and do order:

Art. 1. Purpose

This law specifies the procedures for the installation, acceptance, periodic inspection and decommissioning of heat pump installations.

Art. 2 Scope

(1) This law applies to fixed heat pump installations used to regulate the indoor climate of buildings, regardless of their thermal output.

(2) This law does not apply:

1. to heat pump installations used only for less than one year;
2. to heat pump installations that are not connected to a central water heating circuit and release heat into the air.

Art. 3 Definitions

For the purposes of this law, the following definitions apply:

1. "acceptance agent": the natural person from the competent department of the Chamber of Skilled Trades and Crafts approved under the law of 21 April 1993 relating to the approval of private or public natural or legal persons, other than the State, for the performance of technical, study and verification tasks in the field of the environment in order to proceed with the acceptance of a heat pump installation;
2. "improvement in energy efficiency": an increase in energy efficiency as a result of technological, behavioural or economic changes;



3. "building": a structure with a roof and walls, in which energy is used to regulate the indoor climate;
4. "energy performance contract": a contractual agreement between the beneficiary and the supplier of an energy efficiency improvement measure, verified and monitored throughout the duration of the contract, under which the works, supplies or services provided for in this measure are remunerated according to a level of energy efficiency improvement that is contractually defined or another agreed energy performance criterion, such as financial savings;
5. "inspector": the natural person acting in their own name or acting on behalf of a legal entity:
 - a) able to provide proof of either a professional training of the professional aptitude diploma (DAP) in the trade concerned or in a related branch of activity or a higher technical training than the aforementioned diploma, provided however that these trainings have been supplemented by the acquisition of the special knowledge required for the execution, according to the rules of the art, of the work referred to in this law. Any foreign diploma is recognised as equivalent by the minister responsible for the recognition of diplomas;
 - b) holding a certificate in accordance with Article 2 of the amended law of 22 June 2016 relating to fluorinated greenhouse gases and acting for an undertaking which itself holds the same certificate;
 - c) being in possession of an inspector's certificate issued by the director of the Environmental Administration in accordance with Article 8;
6. "energy efficiency": the ratio between the results, service, good or energy obtained and the energy used to achieve this;
7. "undertaking": the natural or legal person who meets the conditions of Article 4;
8. "undertaking authorised to carry out periodic inspections": an inspector acting in their own name or an undertaking having at least one inspector under contract;
9. "operator": the natural or legal person who exercises real power over the technical operation of the heat pump installation or, failing that, the owner of the building in which the heat pump installation is used;
10. "fixed": which is not normally in motion during its operation;
11. "refrigerant": the fluid used for the transfer of thermal energy in a heat pump, which absorbs heat at low temperature and low pressure and releases heat at a higher temperature and higher pressure;
12. "existing installation": a heat pump installation that was put into service before the entry into force of this law;
13. "heat pump installation": any heat pump or any combination of heat pumps used for heating or cooling purposes, including hydraulic components, electrical connections and heat distribution systems;
14. "minister": the minister responsible for the environment;



15. "decommissioning": the temporary or permanent shutdown of a heat pump installation and its removal from service or the end of its use;
16. "new installation": a heat pump installation that is put into service after the entry into force of this law;
17. "heat pump": equipment capable of transferring thermal energy from a low-temperature environment to a high-temperature environment to produce heat or cold and that relies on the interconnection of one or more components forming a closed refrigeration cycle in which a refrigerant circulates to absorb and release heat;
18. "effective rated output": the maximum heat output, expressed in kilowatts, fixed and guaranteed by the manufacturer as being able to be supplied in continuous operation while respecting the useful efficiencies announced by the manufacturer;
19. "brine": the heat transfer fluid having a freezing point lower than that of water;
20. "building automation and control system": a system comprising all products, software and engineering services capable of supporting the energy-efficient, economical and safe operation of building technical systems by means of automatic controls and by facilitating the manual management of these building technical systems;
21. "building technical system": the technical equipment of a building or building unit for space heating, space cooling, ventilation, domestic hot water production, integrated lighting, building automation and control, renewable energy production and on-site energy storage, or a combination of several of these systems, including systems using energy from renewable sources.

Art. 4 Installation, modification and maintenance of heat pump systems

- (1) The installation, transformations and maintenance work of heat pump installations are carried out by natural or legal persons having an establishment permit as a heating-sanitary-refrigeration installer in accordance with the amended law of 2 September 2011 regulating access to the professions of craftsman, trader, industrialist as well as certain liberal professions or by natural or legal persons under foreign law legally exercising services in Luxembourg in the field of heating-sanitary-refrigeration.
- (2) The Chamber of Skilled Trades and Crafts is responsible for maintaining the register of natural or legal persons meeting the conditions set out in Paragraph 1. At the request of the environment administration, the Chamber of Skilled Trades and Crafts forwards the register to it.

Art. 5 Acceptance of heat pump installations

- (1) The new installations are subject to acceptance testing.
- (2) The undertaking that has commissioned a heat pump installation must submit the application for acceptance to the competent department of the Chamber of Skilled Trades and Crafts within one month of the commissioning of the heat pump installation.



- (3) The acceptance is carried out by the acceptance agents within three months of notification of the request for receipt.
- (4) In the absence of the triggering of the procedure referred to in Paragraph 2, the Environment Administration may initiate the acceptance procedure.
- (5) The terms of acceptance are specified by Grand-Ducal regulation.

Art. 6 Periodic inspection of heat pump installations

- (1) Heat pump installations are subject to periodic inspection.

The operator of an existing facility shall have a first inspection carried out no later than two years from the entry into force of this law.

The operator of a new installation shall have a first inspection carried out after at least one year and at the latest after two years from the date of commissioning of the installation.

From the date of the first positive inspection, the operator of a heat pump installation shall have a periodic inspection carried out every four years, or in the case where the heat pump installation is monitored and controlled electronically remotely, every five years.

Notwithstanding the provisions of the preceding paragraph, the operator of a heat pump installation with a effective rated output exceeding 290 kW shall have a periodic inspection carried out every three years from the date of the first positive inspection.

- (2) The operator of a heat pump installation requests a periodic inspection from an undertaking authorised to carry out periodic inspections.
- (3) The periodic inspection of a heat pump installation is carried out by an inspector.
- (4) The results of the periodic inspection are communicated by the inspector to the Environmental Administration.
- (5) The procedures for periodic inspection are specified by Grand-Ducal regulation.

Art. 7 Decommissioning

(1) Without prejudice to waste legislation, the decommissioning of a heat pump installation is carried out by a natural person holding a certificate in accordance with Article 2 of the amended law of 22 June 2016 relating to fluorinated greenhouse gases and acting for an undertaking which itself holds the same certificate. The heat pump system is emptied of its refrigerant, which is recovered to be recycled, regenerated or destroyed using appropriate techniques. The measures taken to recover and dispose of the refrigerant are recorded in the heat pump installation log.

(2) Any decommissioning of a heat pump installation must be declared to the Environment Administration by the undertaking that carries out the dismantling or draining. The procedures for the declaration are specified by Grand-Ducal regulation.



Art. 8 Training, inspector's certificate and register of companies authorised to carry out periodic inspections

(1) As part of its legal responsibilities, the Chamber of Skilled Trades and Crafts periodically organises special training for heat pump installation inspectors.

The content of this training is determined according to the technical evolution of the subject and in agreement with the Environmental Administration. This training is validated by a knowledge assessment organised by the Chamber of Skilled Trades and Crafts.

(2) Authorisation to perform the function of heat pump installation inspector is conferred by the director of the environment administration, in the form of a nominative certificate, upon the candidate inspector:

a) having completed the special training provided for in Paragraph 1 or equivalent training abroad, recognised by the Chamber of Skilled Trades and Crafts;

b) acting in their own name and fulfilling the conditions laid down in Article 4, Paragraph 1, or acting on behalf of a legal entity that meets the conditions set out in Article 4, Paragraph 1.

The authorisation is valid for a period of five years. It is renewable for consecutive periods of five years provided that the holder has participated before its expiry in a refresher course organised by the Chamber of Skilled Trades and Crafts.

If, within four years of the expiry of their inspector's authorisation, a person participates in a refresher course organised by the Chamber of Skilled Trades and Crafts, they are entitled to obtain an authorisation valid for a period of five years, without having to undergo the training cycle provided for in Paragraph 1.

The authorisation may be withdrawn by the Director of the Environmental Administration if the conditions for obtaining it are no longer met or the inspector does not comply with the provisions of this law.

(3) The Chamber of Skilled Trades and Crafts is responsible for maintaining the register of companies authorised to carry out periodic inspections. At the request of the environment administration, the Chamber of Skilled Trades and Crafts forwards the register to it.

Art. 9 Register of heat pump installations

(1) The Environment Administration maintains a register of heat pump installations covered by this Act, which have been accepted or have undergone periodic inspection within the meaning of this Act. Heat pump installations taken out of service in accordance with Article 7 are removed from the register.

(2) At the request of the Environment Administration, companies communicate to the Environment Administration and the relevant department of the Chamber of Skilled Trades and Crafts the addresses of the buildings in which they have installed one or more heat pump installations as well as the name and address of the operators.



Art. 10 Costs

- (1) The services for receiving heat pump installations are invoiced by the Chamber of Skilled Trades and Crafts and are payable by the applicants for the receipt. In the event that the acceptance has been carried out in accordance with Article 5, Paragraph 4, the services are invoiced by the Chamber of Skilled Trades and Crafts to the operator of the heat pump installations.
- (2) The maximum prices for acceptances are set by agreement between the minister and the Chamber of Skilled Trades and Crafts.
- (3) Periodic inspection services are invoiced to the applicants for the services.

Art. 11 Investigation and documentation of violations

Violations of the provisions of this law shall be investigated by the Director, Deputy Directors, employees and officials of the A1, A2 and B1 career groups of the Environmental Administration.

Art. 12 Administrative Fines

- (1) The minister can impose an administrative fine of between EUR 75 euro and 5 000:
 1. on the undertaking which, in violation of Article 5, Paragraph 2, fails to submit the application for acceptance to the competent department of the Chamber of Skilled Trades and Crafts within one month of the commissioning of the heat pump installation;
 2. on the operator who, in violation of Article 6, Paragraph 2, fails to request a periodic inspection from an undertaking authorised to carry out periodic inspections in accordance with the frequencies prescribed in Article 6, Paragraph 1;
 3. on the inspector who, in violation of Article 6, Paragraph 3, carries out a periodic inspection without having the required qualification;
 4. on the inspector who, in violation of Article 6, Paragraph 4, fails to communicate the results of the periodic inspection to the Environment Administration;
 5. on natural or legal persons who, in violation of Article 7, Paragraph 2, fail to declare the decommissioning of a heat pump installation to the Environment Administration.
- (2) The minister can impose an administrative fine of between EUR 500 euro and EUR 750 000:
 1. on natural or legal persons who, in violation of Article 4, Paragraph 1, carry out the installation, transformation or maintenance of heat pump installations without having the required authorisation;
 2. on natural or legal persons who, in violation of Article 7, Paragraph 1, proceed to decommission a heat pump installation without having the required certification.



(3) Fines are payable within two months of notification of the written decision. After this period, a reminder is sent by registered mail.

Administrative fines are collected by the Registration, Domains and VAT Administration. The collection process is the same as for registration fees.

Art. 13 Appeal procedure

An appeal for review is available before the Administrative Court against decisions made under this law. This appeal must be filed, under penalty of forfeiture, within forty days of notification of the decision.